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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

FEDERAL TRADE COMMISSION, STATE
OF ARIZONA, STATE OF CALIFORNIA,
DISTRICT OF COLUMBIA, STATE OF
ILLINOIS, STATE OF MARYLAND, STATE
OF NEVADA, STATE OF NEW MEXICO,
STATE OF OREGON, and STATE OF
WYOMING,

Plaintiffs,

v.

THE KROGER COMPANY and
ALBERTSONS COMPANIES, INC.,

Defendants.

Case No.: 3:24-cv-00347-AN

**DEFENDANTS' NOTICE OF FILING
UNDER SEAL CERTAIN PARTS OF
THEIR OPPOSITION TO PLAINTIFFS'
MOTION IN LIMINE TO EXCLUDE
EVIDENCE ABOUT THE
DIVESTITURE AND EFFICIENCIES
AND ACCOMPANYING
DECLARATION AND EXHIBITS**

NOTICE

Defendants are filing today their Opposition to Plaintiffs' Motion in Limine to Exclude Evidence about the Divestiture and Efficiencies. Defendants' Opposition attaches certain exhibits designated under the Protective Order as Confidential or Highly Confidential or filed under seal out of an abundance of caution. Pursuant to the Protective Order ECF No. 91, Defendants hereby give notice that they shall file a public version of the Opposition with redactions on page 5 as well as a separate nonpublic version under seal with a Declaration and Exhibits 1-13.

DATED: August 21, 2024

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